

Venkat Balasubramani, OSB #180446  
venkat@focallaw.com  
Stacia N. Lay, WSBA #30594 (*Pro Hac Vice*)  
stacia@focallaw.com  
Kimberlee Gunning, WSBA #35366 (*Pro Hac Vice*)  
kim@focallaw.com  
**FOCAL PLLC**  
900 1st Avenue S., Suite 201  
Seattle, Washington 98134  
Telephone: (206) 529-4827

Clifford S. Davidson, OSB #125378  
csdavidson@swlaw.com  
**SNELL & WILMER, LLP**  
1455 SW Broadway, Suite 1750  
Portland, Oregon 97201  
Telephone: (503) 624-6800

Attorneys for Defendant

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORLTAND DIVISION**

A.M., an individual,

Case No. 3:21-cv-01674-MO

Plaintiff,

v.

OMEGLE.COM LLC,

Defendant.

**DEFENDANT OMEGLE.COM LLC'S  
SECOND NOTICE OF SUPPLEMENTAL  
AUTHORITY RE: MOTION TO  
DISMISS PLAINTIFF'S SECOND  
AMENDED COMPLAINT PURSUANT  
TO FED. R. CIV. P. 12(b)(6)**

Defendant Omegle.com LLC respectfully submits the decision issued by the United States District Court for the Central District of California on November 4, 2022, in the case of *Jackson v. Airbnb, Inc.*, No. CV 22-3084 DSF (JCx), 2022 U.S. Dist. LEXIS 202765 (C.D. Cal. Nov. 4, 2022) – a copy of which is attached hereto as **Appendix A** – as supplemental authority in

support of Omegle's pending Motion to Dismiss Plaintiff's Second Amended Complaint (Dkt. 49), and specifically Plaintiff's product liability claims.

The *Jackson* decision discusses, in relevant part, (1) that Airbnb is more akin to a service than to a product for purposes of the plaintiffs' product liability claims under California law, and (2) that the Ninth Circuit's *Lemmon v. Snap* decision addressed only whether Snap was immune under Section 230. *Jackson*, 2022 U.S. Dist. LEXIS 202765 at \*27-29. These points are relevant to arguments made in Omegle's pending Motion to Dismiss with respect to Plaintiff's product liability claims. (See Dkt. 49 at 32-34; Dkt. 57 at 24-34.)

Dated this 1st day of December, 2022.

FOCAL PLLC

By: s/ Stacia N. Lay  
s/ Kimberlee Gunning  
Venkat Balasubramani, OSB #180446  
Stacia N. Lay, WSBA #30594 (PHV)  
Kimberlee Gunning, WSBA #35366 (PHV)  
900 1st Avenue S., Suite 201  
Seattle, Washington 98134  
Telephone: (206) 529-4827  
venkat@focallaw.com  
stacia@focallaw.com  
kim@focallaw.com

*Attorneys for Defendant Omegle.com LLC*

Respectfully submitted,

SNELL & WILMER, LLP

By: s/ Clifford S. Davidson  
Clifford S. Davidson, OSB #125378  
1455 SW Broadway, Suite 1750  
Portland, Oregon 97201  
Telephone: (503) 624-6800  
csdavidson@swlaw.com